

APPEAL NO. 022663
FILED DECEMBER 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on September 26, 2002. The hearing officer determined that the appellant (claimant) was not injured in the course and scope of his employment when he was involved in a motor vehicle accident (MVA) on _____. The claimant appealed, arguing that the hearing officer's injury determination is against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

Section 401.011(10) defines a "Compensable injury" as "an injury that arises out of and in the course and scope of employment for which compensation is payable under this subtitle." "Course and scope of employment" is defined in Section 401.011(12). The claimant had the burden to prove that he was injured in the course and scope of his employment. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). The hearing officer considered the conflicting evidence and found that the claimant was on the way to work when he was injured on _____; that the claimant was not on a special mission for the employer when he was injured on _____; that the claimant was not furthering the interest of his employer when he was injured on _____; and that the claimant was not directed by the employer to proceed from one place to another when he was injured on _____. The hearing officer concluded that the claimant was not in the course and scope of his employment when he was involved in a MVA on _____. The claimant contends that the hearing officer's finding and decision are against the great weight and preponderance of the evidence. The 1989 Act makes the hearing officer the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Veronica Lopez
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge